

ARTICLE APPEARED
ON PAGE A-20

NEW YORK TIMES
12 APRIL 1982

WASHINGTON TALK

Judicial Quandary

One of the more fascinating tableaux to surface lately is set in the Supreme Court conference room, the ultraprivate spot where the Justices gather to wrestle with decisions and agenda. It was there during the Carter Administration that Chief Justice Warren E. Burger received Adm. Stansfield Turner, director of Central Intelligence at the time, and Griffin B. Bell, the Attorney General, to discuss proposed procedures of the Foreign Intelligence Surveillance Court, a judicial panel that handles sensitive requests for intelligence wiretaps. In his memoirs, Mr. Bell describes how the jurist seemed at first disconcertingly open-minded to the spy chief's ideas for assuring that the judges on the surveillance court be kept disclosure-proof.

"I found myself spending some of the session persuading the Chief Justice to reject Turner's proposals, for requiring the seven judges on the secret panel to submit to polygraph examination by the C.I.A.," Mr. Bell recalls. "Admiral Turner also wanted the C.I.A. to investigate and clear the judges. Fortunately, the Chief Justice agreed with me that the Foreign Intelligence Court would lose all credibility if it subjected itself to being declared fit by those whose requests for wiretapping and bugging it was judging."

Francis X. Clines

Warren Weaver Jr.